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REMARKS

Preliminary Matters

Claims 2-3, 5-6, 8-10, 12, 14-15, 17-18, 20-21, 23-25, 28-30, 32-33, 35-36, 38-40, 42, and 44-54 are presented for reconsideration. Claims 1, 11, 16, 26, 31, and 41 have been canceled. Claims 2-3, 5-6, 8-10, 12, 14-15, 17-21, 23-25, 28-30, 32-33, 35-36, 38-40, 42, and 44-48 have been amended. New claims 49-54 have been added. No new matter has been introduced.

Interview

Applicant thanks Examiner Lezak for the courtesy of a personal interview with Applicant's representative, Sanford T. Colb (Reg. No. 26,856), held in the USPTO on June 14, 2006. At the interview, Mr. Colb presented proposed new claims 49 and 50 and argued the patentability of the new claims over the cited references. The Examiner suggested that if Applicant were to add language to the new claims from the last paragraph on page 13 of the specification of this application as filed (paragraph 0047 in the published version of the application, US 2002/0103972), the new claims would distinguish the present invention over the cited art. The new independent claims in this application (49, 51 and 53) have been drafted accordingly.

Rejections Under 35 U.S.C. § 103

Claims 1-3, 5, 6, 8-12, 14-21, 23-26, 28-33, 35, 36, 38-42 and 44-48 were rejected under 35 U.S.C. §103(a) over Basani *et al.*, U.S. Patent No. 6,718,361 (Basani), in view of Srivastava, U.S. Patent No. 6,684,331. Applicant has canceled independent claims 1, 16 and 31, and introduced new independent claims 49, 51 and 53, as well as dependent claims 50, 52 and 54, to more clearly distinguish the present invention over the cited art. The remaining claims have been amended to depend from the new independent claims, with minor changes of language for proper antecedence.

Claims 49, 51 and 53 recite a method, computer software product, and system for transmitting data over a communications network. A first group directory is established in a first cache and is then multicast to a plurality of subsidiary caches. The content is flagged so as to require the subsidiary caches to begin receiving it immediately without waiting for transmission requests from clients, as stated in paragraph 0047 (last paragraph on page 13 of the specification

as filed). No return link is used from the subsidiary caches to the first cache. Second group directories are established in the subsidiary caches and are transmitted to a multicast group of receivers.

As stated in the specification of the present patent application, embodiments of the present invention use the REMADE protocol, which is described in detail in co-assigned US 6,507,586 (which was incorporated by reference in the present application and had not yet been published when the present application was filed). As noted in paragraph 0005 of the present application, existing push applications require a return channel, to enable recipients to request retransmission of lost or corrupted data. REMADE obviates the need for a return link from the multicast recipients to the transmitter, by using periodic retransmission to handle errors. (See especially paragraphs 0009, 0039, 0044, 0045 in the present application and col. 7, lines 20-40, in US 6,507,586.) These aspects of the present invention are recited in new claims 49-54.

The cited art makes no suggestion of flagging data so as to require subsidiary caches to begin receiving content without waiting for transmission requests, and teaches away from data distribution without use of a return channel. For example, Basani explicitly calls for positive acknowledgment as part of the content distribution process (see abstract, last sentence, for example). "Back-end reporting" to a central content manager is important for synchronization among servers (col. 7, lines 38-42). Srivastava describes a system for secure multicasting through a hierarchical network, and does not teach or suggest the novel elements that are recited in the new claims. The mere existence of push architectures (cited by the Examiner in paragraph 14, page 7, in the present Official Action) does not prove that such architectures operated without a return link or used data flagging for push transmission in the manner recited in claims 49, 51 and 53.

Thus, independent claims 49, 51 and 53 are believed to be patentable over the cited art. In view of the patentability of these independent claims, dependent claims 2-3, 5-6, 8-10, 12, 14-15, 17-18, 20-21, 23-25, 28-30, 32-33, 35-36, 38-40, 42, 44-48, 50, 52 and 54 are also believed to be patentable.

Double Patenting

Claims 1, 2, 31 and 32 were rejected for non-statutory obviousness-type double patenting over claims 1-10 of U.S. Patent 6,507,586, in view of the combined teachings of Basani and Srivastava. Considering the cancellation of independent claims 1 and 31 and the novel elements recited in new claims 49 and 53 (from which claims 2 and 32 now depend), Applicant believes this rejection should be withdrawn.

Concluding Matters

Applicant has studied the additional references made of record by the Examiner and believes that the claims in this application are patentable over these references, as well, whether they are taken alone or in any combination.

It is believed that the amendments and remarks presented hereinabove are fully responsive to all the grounds of rejection raised by the Examiner, and that the Application is now in order for allowance.

Applicant thanks the Examiner for her thorough consideration of the Application and appreciates the careful analysis of the art cited therein.

Dated: July 26, 2006

Respectfully submitted,
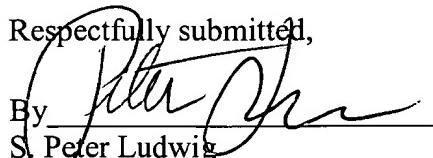
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